

SENATE BILL 2670
By Kyle

AN ACT to amend Tennessee Code Annotated, Title 62, relative to the "Electricians' Licensing Act of 1998".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Sections 2 through 13 as a new chapter thereto.

SECTION 2. The title of this act is and may be cited as the "Electricians' Licensing Act of 1998".

SECTION 3. Any person employed to perform electrical work shall be licensed pursuant to this act.

SECTION 4. As used in this act, unless the context otherwise requires:

(1) "Apprentice electrician" means any person whose principal occupation is the learning of and assisting in electrical work;

(2) "Electrical work" means the installation, erection or repair of electrical wires or conductors to be used for the transmission of electric light, heat, power or signaling purposes or to install or repair moulding, ducts, raceways or conduits for the reception or protection of such wires, conductors or conduits or the installation, erection or repair of any electrical equipment, fixture, machinery apparatus or system to be used for electrical light, heat, power, or signaling purpose within or on public and private buildings, structures or premises such as yards, carnivals, parking and other lots and industrial substations;

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(3) "Journeyman electrician" means journeyman wireman, journeyman lineman or residential journeyman wireman, whichever is applicable;

(4) "Journeyman lineman" means any individual who possesses the necessary qualifications, training and technical knowledge to perform industrial electrical work. A journeyman lineman shall be capable of doing such work in accordance with plans and specifications furnished such journeyman lineman in accordance with standard rules and regulations governing the work;

(5) "Journeyman wireman" means any individual who possesses the necessary qualifications, training and technical knowledge to perform electrical work. He/she shall be capable of doing such work in accordance with plans and specifications furnished him/her in accordance with standard rules and regulations governing the work;

(6) "Industrial electric work" means the installation, erection or repair of transmission and/or distribution lines and switchyards;

(7) "Residential dwellings" means single family houses or apartment buildings not to exceed three (3) stories, town or row houses not to exceed three (3) stories, condominiums not to exceed three (3) stories, or multi-family houses.

(8) "Residential electrical work" means the installation, alterations or repair of electrical wire or conductors to be used for the transmission of the power used to operate fixtures, appliances or equipment in a residential dwelling or the property of such dwelling; and

(9) "Residential journeyman wireman" means any individual who possesses the necessary qualifications, training, and technical knowledge to perform residential electric work. He/she should be capable of doing such work in accordance with plans and specifications furnished him/her in accordance with standard rules and regulations governing the work.

SECTION 5. The provisions of this chapter shall not apply to the following:

(1) The construction, installation, maintenance, repair or renovation by any rural electric association or cooperative, or by any municipally owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards or any other such activity when performed by any duly authorized employee of any such public utility, association, cooperative or municipally owned utility;

(2) Emergency repairs conducted by an electrical line contractor for any rural electric association or cooperative, or for any municipally owned utility to restore power to customers subject to an unforeseen massive power outage;

(3) The construction, installation, maintenance, repair and renovation of telephone equipment, computer systems or satellite systems by a person, firm or corporation engaged in the telecommunications or information system industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes, including security systems and environmental control systems that are not an integral part of a telecommunications system;

(4) The construction, installation, maintenance, repair or renovation of any non-residential farm building or structure;

(5) The construction and manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards;

(6) Any individual doing electrical work on his primary residence except as otherwise required by state law, regulations or local ordinances;

(7) Any holder of a state-issued heating, ventilation, air-conditioning and refrigeration or HVAC license may run line voltage power wiring, in compliance with the state electric code, from disconnect box to an outdoor HVAC unit within a distance not to exceed ten (10) feet from any point of the HVAC equipment;

(8) Any employee of a hospital performing minor repairs or making minor alterations to existing electrical facilities during the normal performance of his duties with a hospital licensed by the board for licensing health care facilities;

(9) Any industrial electrical manufacturer, including the installation of such industrial electric manufacturer's product by employees of such manufacturer pursuant to an agreement with a customer of such industrial electrical manufacturer;

(10) Employees of any company that does not provide electrical work or electrical maintenance work for others, who are employed to perform the electrical work necessary to repair and maintain the equipment and the premises of such company or to install new equipment on the premises of such company; or

(11) Any person registered as an engineer pursuant to Title 62, Chapter 2.

SECTION 6.

(a) Any individual who desires a license as journeyman electrician shall submit an application to the secretary of state on a prescribed form. The application shall be accompanied by a non-refundable application fee as set by the secretary of state and satisfactory proof that the applicant:

(1) Is at least eighteen (18) years of age; and

(2) Has served as an apprentice electrician under the full-time supervision of a licensed journeyman electrician for at least four (4) years; or

(3) Has completed at least two hundred (200) hours of classroom instruction in electrical-related subjects approved by the secretary of state and has served as an apprentice electrician under the full-time supervision of a licensed journeyman electrician for at least two (2) years.

(b) Any individual who desires a license as an apprentice electrician shall submit an application to the secretary of state on a prescribed form. The application shall be

accompanied by a non-refundable application fee as set by the secretary of state and satisfactory proof that the applicant:

(1) Is at least eighteen (18) years of age; and

(2) Will be directly supervised by an electrician licensed pursuant to this act.

(c)(1) The secretary of state may require such other proof, through the application or otherwise, the secretary of state shall deem appropriate to determine the honesty, trustworthiness, integrity, reputation and competency of the journeyman electrician or apprentice electrician applicant.

(2) If the application for journeyman electrician is satisfactory to the secretary of state, then the applicant is entitled to an examination to determine the applicant's qualifications. This examination may be written and/or oral. The secretary of state is entitled to charge each applicant an examination fee for each written and/or oral examination. The written and/or oral examination shall be available in each grand division of the state.

(d)

(1) Upon successful passage of such examination the secretary of state shall certify to the county commission of the county of residence of the applicant that such applicant has successfully completed such examination and is otherwise qualified to receive a license. Upon receiving such certification from the secretary of state, the county commission of the county of residence of the applicant shall, at its next regularly scheduled meeting, announce receipt of such certification and shall forward a request to the county clerk of such county that a license and pocket card be issued to the applicant. The county clerk shall issue a license and pocket card to the applicant within seven (7) days of receipt of such request.

(2) Such licensee shall be eligible to perform electrical work while employed by an electrical contractor in any county or municipality upon exhibiting to the appropriate local officials evidence of a current license and upon payment of any local licensing fee. No county or municipality shall require such licensee to pass any county or municipal test or examination, nor shall a county or municipality impose any additional requirements upon such licensee, nor in any way discriminate against such licensee on the basis of the licensee's nonresidency within the county or municipality.

(e) Licenses shall be renewed biennially. A license expires on the last day of the month of the second year of its issuance or renewal and becomes invalid on such date unless renewed.

(f) Renewal notices shall be mailed ninety (90) days before the expiration date of the license. Such renewal must be received in the office of the secretary of state thirty (30) days before the expiration of such license.

(g) It is the duty of the secretary of state to notify by mail every person licensed pursuant to this chapter regarding the date of expiration of such person's license and the fee required for its renewal for two (2) years. Such notice shall be mailed in accordance with this section.

(h) The fee to be paid for the renewal of a license and for the renewal of a license after its expiration date shall be set by the secretary of state.

SECTION 7. Notwithstanding the examination requirements of Section 6, upon receiving certification from the secretary of state, the county commission of the county of residence of the applicant shall issue a journeyman electrician's license to any person who submitted satisfactory proof to the secretary of state that, upon the effective date of this act, such person has:

(1) Satisfactorily completed a board-approved electrician apprenticeship program;

(2) Completed a minimum of five (5) years experience as a journeyman electrician; or

(3) Received a license as a journeyman electrician from the county or municipality where such person conducts business.

Provided, if it is determined by the secretary of state that any person falsified the application to obtain a license under this section, such person shall be required to take the examination required pursuant to Section 6.

SECTION 8. Any person who engages or offers to engage in electrical work without a license as required by Section 3 of this act, or who violates the terms and conditions of any license or renewal granted pursuant to this part by the county commission upon receipt of certification from the secretary of state, is guilty of a Class A misdemeanor.

SECTION 9. The secretary of state is authorized to promulgate necessary rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to implement the provisions of this act. The rules shall include the requirement of a required ratio of not more than one (1) apprentice electrician to one (1) journeyman electrician.

SECTION 10. Nothing in this act shall be construed as prohibiting a person from also being required to be licensed as a general contractor if such person performs or offers to perform more than twenty-five thousand dollars (\$25,000) of electrical work pursuant to Section 62-6-103.

SECTION 11. The secretary of state shall set fees for licensure of electricians. The secretary of state shall set such fees in an amount sufficient to pay the cost of implementing the provisions of this act.

SECTION 12. The secretary of state is hereby authorized to contract with testing services to perform the examination requirements prescribed by this act. The secretary of state is hereby directed to provide at least one (1) examination in each grand division of the state.

SECTION 13. The secretary of state shall refer any alleged violation of this act to the office of the district attorney in the county where such violation may have occurred. A citizen may file an action in the general sessions court of the county where such alleged violation occurred. A copy of such action shall be sent to the office of the district attorney of such county. The office of such district attorney shall be prosecute such action unless the office of district attorney determines such action is without merit.

SECTION 14. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1999, the public welfare requiring it.